

These questions all tie together, in that IF:

- 1) MDT does not have all the bridge information entered into a software database AND has not performed a prior analysis of every bridge and every truck configuration AND
- 2) KMTP trucks end up weighing more than originally indicated by the configuration reviewed by Mr. Murphy THEN

The increased axle weights may exceed bridge ratings for one or more bridges on the route in MT, which MDT will not be in a position to quickly analyze.

5. Without analyzing every bridge for every truck - including actual weights obtained from scale

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readings if need be - how can MDT ascertain that "DW21" restrictions will suffice to reduce dynamic impact to within bridge readings? Mr. Murphy references the issuance of what is known as "DW21" restrictions, which require that the trucks slow to 5mph and proceed along the centerline of all bridges; this is apparently standard for all overweight permits. The CP permit also required that the trucks come to a complete stop 50' before each bridge. However, Ms. Murgoitio's suggested that it may be required to add helper dollies and/or detach the push trucks in order to sufficiently reduce dynamic impact. Without doing a full software analysis of each bridge and each load, how can MDT assert with any certainty that speed restrictions alone will be sufficient in MT if they are not in ID?

6. Above concerns about potential for bridge overloading notwithstanding - how does the requirement that all trucks stop 50' ahead of every single bridge and slow to 5mph across each bridge figure requirement that the trucks do not delay traffic for more than 15 minutes? Does MDT have numbers demonstrating that the KMTP trucks can both slow down enough to adequately protect bridges, without increasing length of associated traffic delays beyond the maximum stipulated by the permit? I think this question is self-explanatory, and if only one question gets asked, make it this one. The other questions MDT may be able to stonewall as being based on speculation, but this one is appropriate regardless of the final weight of the truck axles.

7. Given all of the above uncertainty, how does MDT justify constructing turnouts if the agency has not performed a full engineering analysis of every bridge and every truck configuration, and if they have not calculated how speed restrictions can fit within the time delay window allowed by their permitting regulations? To put it another way - if MDT has not done all of their homework to ascertain without question that a viable solution exists to all of these concerns, is it reasonable to proceed with permanently altering the landscape to accommodate this project?

1. Was MDI Bridge Engineer given the same 14 truck configurations to analyze that IDT Bridge Engineer Shanon Murgoitio was given? Attached are two documents that show that IDT analyzed different truck configurations than MDT did - at least as far as records obtained from each by FOIA requests in each state. As you can see, the IDT document contains 14 trucks and the MDT documentation only shows 1 truck, with reference to 3 others. A number of the trucks evaluated by IDT are larger than the single truck identified by MDT as being the worst case. Since it is safe to conclude that any KMTP truck permitted in Idaho would need to be permitted in Montana as well, it is important that each state permitting agency be looking at the exact same information.

2. Will MDT analyze every bridge on the route for every one of the 14 truck configurations prior to constructing turnouts? Testimony provided by Ms. Murgoitio during the IDT contested case hearing held in Boise in April stated explicitly that she had analyzed every bridge in on the KMTP route in ID for every one of 14 truck configurations, using software provided by the American Association of State Transportation and Highway Officials (AASHTO). Will MDT also analyze every bridge on the route in MT for every one of the 14 truck configurations, prior to construction of turnouts?

3. Does MDT have every bridge on the route entered into their automated software database for analysis, or would the work of analyzing every bridge for 14 truck configurations have to be done by hand? Attached "Exhibit 5_Murphy email" has Mr. Murphy stating that *"While we have started to enter all of our bridges into our load rating software, that process is in its early stages so we do not as yet have the overweight bridge analysis procedures automated. To this point we need to do this by hand. To analyze every bridge on every route for every truck configuration we see in these requests, and to do it in the time required for permit issuance would be impossible."* What this indicates is that MDT may well not have the resources to do a full analysis on all bridges the KMTP route, as IDT did with their automated software from AASHTO.

4. What will happen if a KMTP truck that has been permitted is weighed at the Port of Lewiston and it is discovered that the axle weights exceed either the limitations issued by Ms. Murgoitio of IDT in her memo of 14 July 2010 or the maximum axle weights referenced by the single truck configuration approved by Mr. Murphy?

This question is critical. It is our understanding that when the Conoco-Phillips shipments were weighed at the Port of Lewiston, the axle weights were actually significantly heavier than what had originally been permitted, which resulted in some "scrambling" by IDT to re-evaluate the bridges along the route to determine what permit restrictions were needed in order to ensure that the bridges were not overloaded (per Laird Lucas, lead attorney for the plaintiffs in the IDT contested case hearing). Therefore, it is not unreasonable to anticipate that some of the 207 KMTP loads may not adhere to the original permit requirements - especially as the weight restrictions placed by Ms. Murgoitio were issued only a couple of months prior to the modules arriving in the U.S. from Korea.

In her testimony, Ms. Murgoitio discussed using IDT's software to determine what permit restrictions would suffice to reduce the dynamic impact of a truck on a bridge down below that which a bridge is rated for. Examples of these restrictions include: slowing the truck down, adding helper dollies, and/or detaching the push truck. It is unclear why she discussed the need for these measures in her testimony, unless she anticipates that the trucks may not adhere to her weight restrictions and she may need to place some additional restrictions on the permits, as indicated by subsequent analysis of the bridges based on the actual weights of the axles, as evidenced by scales at the Port. This, it is our understanding, is exactly what happened with the CP loads.